

Senate Bill 238

By: Senator Harp of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage license and ceremony, so as to allow the Governor or any former Governor of this state to perform marriage ceremonies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage license and ceremony, is amended by revising subsection (c) of Code Section 19-3-30, relating to issuance, return, and recording of license, as follows:

"(c) The license shall be directed to the Governor or any former Governor of this state, any judge, including judges of state and federal courts of record in this state, city recorder, magistrate, minister, or other person of any religious society or sect authorized by the rules of such society to perform the marriage ceremony; such license shall authorize the marriage of the persons therein named and require the Governor or any former Governor of this state, judge, city recorder, magistrate, minister, or other authorized person to return the license to the judge of the probate court with the certificate thereon as to the fact and date of marriage within 30 days after the date of the marriage. The license with the return thereon shall be recorded by the judge in a book kept by such judge for that purpose."

SECTION 2.

Said article is further amended by revising Code Section 19-3-39, relating to certification and recordation of marriage after publication of banns, as follows:

"19-3-39.

If the Governor or any former Governor of this state, any judge, city recorder, magistrate, minister, or other authorized person joins in marriage persons whose banns have been published, the person shall certify the fact to the judge of the probate court of the county

26 where the banns were published, who shall record the same in the same book in which
27 marriage licenses are recorded."

28 **SECTION 3.**

29 Said article is further amended by revising Code Section 19-3-42, relating to the effect on
30 marriage of want of authority in person officiating, as follows:

31 "19-3-42.

32 A marriage which is valid in other respects and supposed by the parties to be valid shall not
33 be affected by want of authority in the minister, Governor or any former Governor of this
34 state, judge, city recorder, magistrate, or other person to solemnize the same; nor shall such
35 objection be heard from one party who has fraudulently induced the other to believe that
36 the marriage was legal."

37 **SECTION 4.**

38 Said title is further amended by revising Code Section 19-3-46, relating to forfeiture for
39 officiating at marriage without license or banns, as follows:

40 "19-3-46.

41 The Governor or any former Governor of this state, any ~~Any~~ judge, city recorder,
42 magistrate, minister, or other person authorized to perform the marriage ceremony who
43 joins in marriage any couple without a license or the publication of banns shall forfeit the
44 sum of \$500.00, to be recovered and appropriated as set forth in Code Section 19-3-45."

45 **SECTION 5.**

46 Said title is further amended by revising Code Section 19-3-48, relating to the penalty for
47 officiating at an illegal marriage ceremony, as follows:

48 "19-3-48.

49 If the Governor or any former Governor of this state, any judge, city recorder, magistrate,
50 minister, or other person authorized to perform the marriage ceremony joins together in
51 matrimony any man and woman without a license or the publication of banns or if the
52 person performing the marriage ceremony knows of any disability of either of the parties
53 which would render a contract of marriage improper and illegal, that person shall be guilty
54 of a misdemeanor."

55 **SECTION 6.**

56 All laws and parts of laws in conflict with this Act are repealed.